

Application No. 09/893,998
Response dated May 12, 2005
Responsive to Notice of Non-Compliant Amendment dated April 18, 2005

REMARKS/ARGUMENT

Description of amendments

Claims 2, 5 and 6 are now pending and under examination. Applicant has amended claims 2, 5, and 6 and cancelled claims 10-12. No new matter has been added.

Rejections under 35 U.S.C. §102

Claim 2 was rejected under 35 U.S.C. §102(e) as being anticipated by Tsuji (U.S. Patent 6,285,855). Claims 2 and 10 were rejected under 35 U.S.C. §102(b) as being anticipated by JP 04196280. The rejection of claim 10 is rendered moot by the cancellation of the claim. For the following reasons, Applicant respectfully requests reconsideration and withdrawal of the rejection with respect to amended claim 2.

Amended claim 2 recites that "homogenization occurs in an intermediate image plane that is outside of an object, and is performed only by the homogenizing optical system." Neither Tsuji nor JP 04196280 discloses this feature. In Tsuji, homogenization takes place at at least two places: the light exit surface of the light mixing means (4) (see column 5, lines 19-25) and a predetermined plane (see column 5, lines 29-43). JP 04196280 does not disclose homogenization that occurs in an intermediate image plane that is outside of an object. Accordingly, amended claim 2 is not anticipated by Tsuji or JP 04196280.

Rejection under 35 U.S.C. §103(a)

Claims 2, 5, 6, and 10-12 were rejected under 35 U.S.C. §103(a) as being unpatentable over Suzuki (U.S. Patent 6,456,377) in view of Suzuki (U.S. Patent 5,608,575). Applicant respectfully requests reconsideration and withdrawal of the rejection, because none of the references cited in this rejection discloses a system that can measure the values of X-Y coordinates of a feature on a substrate.

In light of the foregoing remarks, this application is considered to be in condition for allowance, and early passage of this case to issue is respectfully requested. If there are any questions regarding this amendment or the application in general, a telephone call to the


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undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #011270.49970US).

Respectfully submitted,

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